

AMENDED IN SENATE MAY 10, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 24, 2011

**SENATE BILL**

**No. 647**

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**Introduced by Committee on Judiciary (Senators Evans (Chair),  
Blakeslee, Corbett, Harman, and Leno)**

February 18, 2011

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An act to amend Sections 116.780, 116.820, 700.160, 2029.610, and 2029.620 of the Code of Civil Procedure, to amend Section 14502 of the Corporations Code, to amend Section 915.2 of the Government Code, to amend Section 7100 of the Health and Safety Code, to amend Sections 259, 2583, and 8250 of the Probate Code, to amend Section 19280 of the Revenue and Taxation Code, and to amend Section 903.47 of the Welfare and Institutions Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 647, as amended, Committee on Judiciary. Civil law: omnibus bill.

(1) Existing law, the Small Claims Act, governs the procedures in small claims court. The act provides that the judgment of the superior court of a small claims appeal is final, and specifies the procedures for the enforcement of judgments.

Existing law provides that a deposit account or safe-deposit account standing in the name of a person other than a judgment debtor is not subject to levy unless authorized by the court.

This bill would make technical changes to those provisions and would delete erroneous cross-references.

(2) Existing law establishes a process for obtaining a subpoena in connection with an out-of-state proceeding.

This bill would require additional information to be included in specified documents filed pursuant to those provisions.

(3) Existing law requires a humane society or a society for the prevention of cruelty to animals seeking confirmation of a humane officer's appointment to file with the superior court in which the principal office of the humane society is located a Petition for Order Confirming Appointment of a Humane Officer. Before filing that petition, the organization is required to serve a copy of the petition on specified parties, including the local police and sheriff's departments.

This bill would instead require the serving of the petition to occur upon filing of the petition. The bill would also require the petition to be served on *an* animal control agency having jurisdiction in the city in which the principal office of the appointing society is located.

(4) Existing law prescribes the manner in which a specified notice, claim, amendment to a claim, or application to a public entity for leave to present a late claim is to be sent by mail. Existing law extends any period of notice and any duty to respond upon service by mail, as specified.

This bill would specify that the extension does not apply to a written notice set forth in a specified provision of law or the filing of a complaint after denial of a claim.

(5) Under existing law, if a decedent has not otherwise given directions, the right to control the disposition of the remains of the deceased person vests in *listed persons* in a specified order ~~of a list of persons~~.

This bill would include in that list a conservator of the person or estate appointed in accordance with specified provisions when the decedent has sufficient assets.

(6) Existing law imposes restrictions upon a person's or beneficiary's entitlement to the estate of a decedent who was an elder or dependent adult, if the person or beneficiary has committed certain acts against the decedent, including, but not limited to, physical abuse, neglect, or financial abuse.

This bill would make technical, nonsubstantive changes to those provisions.

(7) Existing law establishes the procedure for the issuance and service of a summons, and authorizes a plaintiff to have a clerk issue one or more summons for any defendant.

This bill would provide that the provisions that authorize a clerk to issue a summons are applicable when a person files an objection to the probate of a will.

(8) Existing law authorizes delinquent fines, state or local penalties, forfeitures, restitution fines and orders, and any other amounts imposed by a superior court upon a person or entity for criminal offenses, that total at least \$100 in the aggregate, to be referred by the court, county, or state to the Franchise Tax Board for collection, as specified.

This bill would additionally allow specified legal costs relating to an order of a juvenile court to be referred to the Franchise Tax Board for collection.

(9) Existing law requires the Judicial Council to adopt policies and procedures allowing a court to recover from the money collected the costs associated with collecting delinquent reimbursements.

This bill would instead require the Judicial Council to adopt policies and procedures allowing a court to recover from the money collected the costs associated with implementing the reimbursements ~~programs~~ *program*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 116.780 of the Code of Civil Procedure  
2     is amended to read:  
3     116.780. (a) The judgment of the superior court after a hearing  
4     on appeal is final and not appealable.  
5     (b) Article 6 (commencing with Section 116.610) on judgments  
6     of the small claims court applies to judgments of the superior court  
7     after a hearing on appeal, except as provided in subdivision (c).  
8     (c) For good cause and where necessary to achieve substantial  
9     justice between the parties, the superior court may award a party  
10    to an appeal reimbursement of (1) attorney's fees actually and  
11    reasonably incurred in connection with the appeal, not exceeding  
12    one hundred fifty dollars (\$150), and (2) actual loss of earnings  
13    and expenses of transportation and lodging actually and reasonably  
14    incurred in connection with the appeal, not exceeding one hundred  
15    fifty dollars (\$150).  
16    SEC. 2. Section 116.820 of the Code of Civil Procedure is  
17    amended to read:

1 116.820. (a) The judgment of a small claims court, or the  
2 judgment of the superior court after a hearing on appeal, may be  
3 enforced by the small claims court as provided in Title 9  
4 (commencing with Section 680.010) of Part 2 and in Sections 674  
5 and 1174 on the enforcement of judgments of other courts.

6 (b) The clerk of the court shall charge and collect all fees  
7 associated with the enforcement of judgments under Title 9  
8 (commencing with Section 680.010) of Part 2. The clerk shall  
9 immediately deposit all the fees collected under this section into  
10 a bank account established for this purpose by the Administrative  
11 Office of the Courts. The money shall be remitted to the State  
12 Treasury under rules adopted by, or trial court financial policies  
13 and procedures authorized by, the Judicial Council under  
14 subdivision (a) of Section 77206 of the Government Code. The  
15 Controller shall distribute the fees to the Trial Court Trust Fund  
16 as provided in Section 68085.1 of the Government Code.

17 (c) The prevailing party in any action subject to this chapter is  
18 entitled to the costs of enforcing the judgment and accrued interest.

19 SEC. 3. Section 700.160 of the Code of Civil Procedure is  
20 amended to read:

21 700.160. (a) Except as provided in subdivision (b), a deposit  
22 account or safe-deposit box standing in the name of a person other  
23 than the judgment debtor, either alone or together with other third  
24 persons, is not subject to levy under Section 700.140 or 700.150  
25 unless the levy is authorized by court order. The levying officer  
26 shall serve a copy of the court order on the third person at the time  
27 the copy of the writ of execution and the notice of levy are served  
28 on the third person.

29 (b) A court order is not required as a prerequisite to levy on a  
30 deposit account or safe-deposit box standing in the name of any  
31 of the following:

32 (1) The judgment debtor, whether alone or together with third  
33 persons.

34 (2) The judgment debtor's spouse, whether alone or together  
35 with other third persons. An affidavit showing that the person in  
36 whose name the account stands is the judgment debtor's spouse  
37 shall be delivered to the financial institution at the time of levy.

38 (3) A fictitious business name if an unexpired fictitious business  
39 name statement filed pursuant to Chapter 5 (commencing with  
40 Section 17900) of Part 3 of Division 7 of the Business and

1 Professions Code lists as the persons doing business under the  
2 fictitious business name either (A) the judgment debtor or (B) the  
3 judgment debtor's spouse or (C) the judgment debtor and the  
4 judgment debtor's spouse, but does not list any other person. A  
5 copy of a fictitious business name statement, certified as provided  
6 in Section 17926 of the Business and Professions Code, that  
7 satisfies these requirements shall be delivered to the financial  
8 institution at the time of levy, and if a person other than the  
9 judgment debtor is listed in the statement, an affidavit showing  
10 that the other person is the judgment debtor's spouse shall also be  
11 delivered to the financial institution at the time of levy.

12 (4) The additional name of a judgment debtor listed on the writ  
13 of execution pursuant to an affidavit of identity as provided by  
14 Section 680.135, whether alone or together with third persons.

15 (c) In any case where a deposit account in the name of a person  
16 other than the judgment debtor, whether alone or together with the  
17 judgment debtor, is levied upon, the financial institution shall not  
18 pay to the levying officer the amount levied upon until being  
19 notified to do so by the levying officer. The levying officer may  
20 not require the financial institution to pay the amount levied upon  
21 until the expiration of 15 days after service of notice of levy on  
22 the third person.

23 SEC. 4. Section 2029.610 of the Code of Civil Procedure is  
24 amended to read:

25 2029.610. (a) On filing a petition under Section 2029.600, a  
26 petitioner who is a party to the out-of-state proceeding shall pay  
27 a first appearance fee as specified in Section 70611 of the  
28 Government Code. A petitioner who is not a party to the  
29 out-of-state proceeding shall pay the fee specified in subdivision  
30 (c) of Section 70626 of the Government Code.

31 (b) The court in which the petition is filed shall assign it a case  
32 number.

33 (c) On responding to a petition under Section 2029.600, a party  
34 to the out-of-state proceeding shall pay a first appearance fee as  
35 specified in Section 70612 of the Government Code. A person  
36 who is not a party to the out-of-state proceeding may file a response  
37 without paying a fee.

38 (d) Any petition, response, or other document filed under this  
39 section shall satisfy all of the following conditions:

1 (1) It shall bear the caption and case number of the out-of-state  
2 case to which it relates.

3 (2) The first page shall state the name of the court in which the  
4 document is filed.

5 (3) The first page shall state the case number assigned by the  
6 court under subdivision (b).

7 (4) The first page shall state whether or not the person filing  
8 the document is a party to the out-of-state case.

9 SEC. 5. Section 2029.620 of the Code of Civil Procedure is  
10 amended to read:

11 2029.620. (a) If a petition has been filed under Section  
12 2029.600 and another dispute later arises relating to discovery  
13 being conducted in the same county for purposes of the same  
14 out-of-state proceeding, the deponent or other disputant may file  
15 a petition for appropriate relief in the same superior court as the  
16 previous petition.

17 (b) The first page of the petition shall clearly indicate that it is  
18 not the first petition filed in that court that relates to the out-of-state  
19 case.

20 (c) (1) If the petitioner in the new dispute is a party to the  
21 out-of-state case who previously paid a first appearance fee under  
22 this article, the petitioner shall pay a motion fee as specified in  
23 subdivision (a) of Section 70617 of the Government Code. If the  
24 petitioner in the new dispute is a party to the out-of-state case but  
25 has not previously paid a first appearance fee under this article,  
26 the petitioner shall pay a first appearance fee as specified in Section  
27 70611 of the Government Code.

28 (2) If the petitioner in the new dispute is not a party to the  
29 out-of-state case, the petitioner shall pay the fee specified in  
30 subdivision (c) of Section 70626 of the Government Code, unless  
31 the petitioner previously paid that fee. If the petitioner previously  
32 paid the fee specified in subdivision (c) of Section 70626 of the  
33 Government Code, the petitioner shall pay a motion fee as specified  
34 in subdivision (a) of Section 70617 of the Government Code.

35 (d) If a person responding to the new petition is not a party to  
36 the out-of-state case, or is a party who previously paid a first  
37 appearance fee under this article, that person does not have to pay  
38 a fee for responding. If a person responding to the new petition is  
39 a party to the out-of-state case but has not previously paid a first  
40 appearance fee under this article, that person shall pay a first

1 appearance fee as specified in Section 70612 of the Government  
2 Code.

3 (e) Any petition, response, or other document filed under this  
4 section shall satisfy all of the following conditions:

5 (1) It shall bear the caption and case number of the out-of-state  
6 case to which it relates.

7 (2) The first page shall state the name of the court in which the  
8 document is filed.

9 (3) The first page shall state the same case number that the court  
10 assigned to the first petition relating to the out-of-state case.

11 (4) The first page shall state whether or not the person filing  
12 the document is a party to the out-of-state case.

13 (f) A petition for relief pursuant to this section shall be  
14 accompanied by a civil case cover sheet.

15 SEC. 6. Section 14502 of the Corporations Code is amended  
16 to read:

17 14502. (a) (1) (A) (i) On and after July 1, 1996, no entity,  
18 other than a humane society or society for the prevention of cruelty  
19 to animals, shall be eligible to petition for confirmation of an  
20 appointment of any individual as a humane officer, the duty of  
21 which shall be the enforcement of the laws for the prevention of  
22 cruelty to animals.

23 (ii) On and after July 1, 1996, only a person who meets the  
24 requirements of this section may be appointed as, or perform the  
25 duties of, a humane officer.

26 (iii) Any person appointed as a humane officer prior to July 1,  
27 1996, may continue to serve as a humane officer until the expiration  
28 of the term of appointment only if the appointing society maintains  
29 records pursuant to subparagraph (B) documenting that both the  
30 appointing society and the humane officer meet the requirements  
31 of this section.

32 (B) Each humane society or society for the prevention of cruelty  
33 to animals for which an individual is acting as a humane officer  
34 shall maintain complete and accurate records documenting that  
35 the individual has successfully completed all requirements  
36 established in this section and shall make those records available,  
37 upon request, to the superior court, the Attorney General, or any  
38 entity duly authorized to review that information, including the  
39 State Humane Association of California. The records shall include  
40 the full name and address of each humane officer.

1 (2) The humane society or society for the prevention of cruelty  
2 to animals shall possess insurance of at least one million dollars  
3 (\$1,000,000) for liability for bodily injury or property damage.

4 (3) Each appointment of a humane officer shall be by separate  
5 resolution by the board of directors or trustees of the humane  
6 society or society for the prevention of cruelty to animals duly  
7 entered in its minutes. The resolution shall state the full name and  
8 address of the principal office of the appointing society, the full  
9 name of the person so appointed, the fact that he or she is a citizen  
10 of the State of California, that he or she has met the training  
11 requirements set forth in subdivision (h), and whether he or she is  
12 authorized to carry a weapon pursuant to this section. The  
13 resolution shall also designate the number of the badge to be  
14 allotted to the officer, and the date on which the term of office  
15 shall expire.

16 (b) A humane society or a society for the prevention of cruelty  
17 to animals seeking confirmation of a humane officer's appointment  
18 shall comply with each of the following provisions:

19 (1) Upon filing a Petition for Order Confirming Appointment  
20 of a Humane Officer under paragraph (3), the humane society or  
21 society for the prevention of cruelty to animals shall submit to the  
22 Department of Justice fingerprint images and related information  
23 of all humane officer applicants for the purposes of obtaining  
24 information as to the existence and content of a record of state  
25 convictions and state arrests and also information as to the  
26 existence and content of a record of state arrests for which the  
27 Department of Justice establishes that the person is free on bail or  
28 on his or her own recognizance pending trial or appeal.

29 (A) The Department of Justice shall provide a state response to  
30 the humane society or society for the prevention of cruelty to  
31 animals pursuant to paragraph (1) of subdivision (p) of Section  
32 11105 of the Penal Code.

33 (B) The humane society or society for the prevention of cruelty  
34 to animals shall request from the Department of Justice subsequent  
35 arrest notification service, as provided pursuant to Section 11105.2  
36 of the Penal Code, for persons whose appointments are confirmed  
37 as described in subdivision (c).

38 (C) The Department of Justice shall charge a fee sufficient to  
39 cover the cost of processing the request described in this paragraph.



(2) Prior to filing a Petition for Order Confirming Appointment of a Humane Officer under paragraph (3), the humane society or society for the prevention of cruelty to animals shall serve a copy of the petition on each of the following:

(A) The police department having jurisdiction in the city in which the principal office of the appointing society is located.

(B) The sheriff's department having jurisdiction in the county in which the principal office of the appointing society is located.

(C) The Department of the California Highway Patrol.

(D) The State Humane Association of California.

(E) The animal control agency having jurisdiction in the city in which the principal office of the appointing society is ~~located~~; ~~provided, however, that if~~ *located. If* the sheriff's department or police department entitled to notice under subparagraph (A) or (B) provides animal control services for the city in which the principal office of the appointing society is located, no separate notice is required under this ~~paragraph~~ *subparagraph*.

(F) The Department of Justice.

(3) The humane society or society for the prevention of cruelty to animals shall file with the superior court in and for the county or city and county in which the principal office of the humane society is located a Petition for Order Confirming Appointment of a Humane Officer, and shall attach to the petition all of the following:

(A) A copy of the resolution appointing the person, duly certified to be correct by the president and secretary of the society and attested by its seal.

(B) A copy of the criminal record offender information, if any, obtained regarding the person pursuant to paragraph (1).

(C) Proof of the society's proper incorporation in compliance with Part 9 (commencing with Section 10400) of Division 2, including the date the articles of incorporation were filed with the Secretary of State.

(D) A copy of the society's liability insurance policy for bodily injury or property damage in the amount of at least one million dollars (\$1,000,000).

(E) Documentation establishing that the appointee has satisfactorily completed the training requirements set forth in this section.

(F) Documentation establishing that the society has a written agreement with another entity, such as a public or private animal shelter or licensed veterinary clinic, that (i) provides for the humane care and treatment of any animals seized by the society, (ii) is capable of preserving evidence that may be used to prosecute an animal cruelty case, and (iii) is compliant with all applicable federal, state, and local laws, including licensing laws. Alternatively, the society may provide documentation that it is operating its own animal shelter that meets the requirements of clauses (i), (ii), and (iii).

(G) If the society has not previously appointed a humane officer:

(i) An affidavit signed under penalty of perjury from the president of the society that demonstrates the society's competence to appoint a humane officer by providing information, including, but not limited to, the following:

(I) Partnerships or collaborations, if any, with other nonprofit or community agencies.

(II) Cash reserve on hand, if any, to pay for veterinary expenses, housing, food, and care of seized animals.

(III) Established donor base, if any.

(IV) Current or prior law enforcement, legal, or other relevant experience, if any, of persons who will supervise the appointee.

(V) Current or prior experience of managers, if any, in operating a society or other nonprofit organization.

(VI) Statement that each board member is in good standing in the community and has not been convicted of a misdemeanor or felony involving animals.

(VII) Ongoing training beyond the minimum required for appointment of the humane officer, if any.

(VIII) The need for a humane officer in the society's county.

(IX) Any other documentation demonstrating compliance with applicable federal, state, or local laws.

(ii) Affidavits, if any, from personnel of local animal control agencies, law enforcement agencies, or other societies pertaining to the appointee's fitness to act as a humane officer.

(H) As the last page, proof of service of a copy of the petition upon those parties required to be served.

(4) Any party described in paragraph (2) may file an opposition to the petition described in paragraph (3). All papers filed in opposition to the petition and in reply to the opposition shall

1 conform to law and motion pleading requirements, pursuant to  
2 Rule 3.1113(d) of the California Rules of Court. An opposition  
3 shall not exceed 15 pages and a reply shall not exceed 10 pages,  
4 excluding exhibits and declarations. The opposition shall be limited  
5 to the competency of the society to appoint and supervise a humane  
6 officer and the qualifications, background, and fitness of the  
7 appointee that are specific to the work of a humane officer.

8 (A) Any opposition shall be filed no later than 15 court days  
9 after the petition is filed with the court. Any opposition shall be  
10 served on all parties indicated on the proof of service attached to  
11 the petition.

12 (B) The petitioner's reply, if any, to the opposition shall be filed  
13 within 10 court days after service of the opposition. The reply shall  
14 be served on all parties listed in the proof of service attached to  
15 the petition and to any other person who has filed an opposition.

16 (C) The court shall rule on the petition without a hearing unless  
17 the court notifies the parties of an intention to hold a hearing.

18 (D) The petitioner shall serve a certified copy of the court's  
19 order ruling on the petition on all parties listed in the proof of  
20 service attached to the petition and to any other person or entity  
21 who has filed an opposition.

22 (c) (1) Upon receipt of the Petition for Order Confirming  
23 Appointment of a Humane Officer, the court shall first determine  
24 the society's date of incorporation, and the length of time between  
25 the date the society filed its articles of incorporation with the  
26 Secretary of State and the date it filed the petition described in  
27 paragraph (3) of subdivision (b) with the court. If the society was  
28 incorporated on or after January 1, 2011, then the following shall  
29 apply:

30 (A) For a petition to confirm appointment of a level 1 humane  
31 officer, the court shall issue an order denying confirmation of the  
32 appointment if a minimum of five years has not elapsed from the  
33 date the society filed its articles of incorporation with the Secretary  
34 of State to the date it filed the petition.

35 (B) For a petition to confirm appointment of a level 2 humane  
36 officer, the court shall issue an order denying confirmation of the  
37 appointment if a minimum of one year has not elapsed from the  
38 date the society filed its articles of incorporation with the Secretary  
39 of State to the date it filed the petition.

1 (C) For a petition to confirm appointment of either a level 1 or  
2 level 2 humane officer, the court shall issue an order denying  
3 confirmation of the appointment if the society has not established,  
4 through submission of appropriate documentation, that the society  
5 is either operating its own animal shelter or has a written agreement  
6 with another entity, in compliance with subparagraph (F) of  
7 paragraph (3) of subdivision (b).

8 (2) If the court has not issued an order denying the petition  
9 pursuant to paragraph (1), then the court shall review the matter  
10 of the appointee's qualifications and fitness to act as a humane  
11 officer. The court shall also consider any documentation it has  
12 received in support of, or in opposition to, the confirmation of the  
13 person's appointment. If the court finds that the appointee is  
14 qualified and fit to act as a humane officer, the court shall issue  
15 an order confirming the appointment. The society shall thereupon  
16 file a certified copy of the court order in the office of the county  
17 clerk of the county or city and county in which the court is located.  
18 The appointee shall, at the same time, take and subscribe the oath  
19 of office prescribed for constables or other peace officers. The  
20 society shall also provide a copy of the Order Confirming  
21 Appointment to the State Humane Association of California and  
22 the Department of Justice. The Department of Justice may charge  
23 a reasonable fee sufficient to cover the costs of maintaining records  
24 of Orders Confirming Appointment. If the court does not find the  
25 appointee qualified and fit to act as a humane officer, the court  
26 shall issue an order denying confirmation of the appointment.

27 (d) If the court grants the petition, the county clerk shall  
28 immediately enter in a book to be kept in his or her office and  
29 designated "Record of Humane Officers" the name of the officer,  
30 the name of the society appointing him or her, the number of his  
31 or her badge, the date of the filing, and the case number of the  
32 court order confirming the appointment. At the time of the filing,  
33 the county clerk shall collect from the society a fee of five dollars  
34 (\$5), which shall be full payment for all services to be performed  
35 by the county clerk under this section.

36 (e) All appointments of humane officers shall automatically  
37 expire if the society disbands or legally dissolves.

38 (f) (1) The society appointing an officer may revoke an  
39 appointment at any time by filing in the office of the county clerk  
40 in which the appointment of the officer is recorded a copy of the

1 revocation in writing under the letterhead of the society and duly  
2 certified by its executive officer. Upon the filing the county clerk  
3 shall enter the fact of the revocation and the date of the filing  
4 thereof opposite the name of the officer in the record of humane  
5 officers.

6 (2) Notwithstanding paragraph (1), any duly authorized sheriff  
7 or local police agency or the State Humane Association of  
8 California may initiate a revocation hearing by filing a petition to  
9 Revoke Appointment of a Humane Officer. The petition shall show  
10 cause why an appointment should be revoked and shall be made  
11 to the superior court in the jurisdiction of the appointment. Filing,  
12 service, and format of the petition and any oppositions and reply  
13 papers shall conform to the law and motion requirements under  
14 the Code of Civil Procedure, California Rules of Court, and this  
15 code. A proceeding pursuant to this paragraph shall be a special  
16 proceeding within the meaning of Section 23 of the Code of Civil  
17 Procedure.

18 (A) Notice of the hearing date and a copy of the petition shall  
19 be served in the same manner as a summons upon the humane  
20 officer subject to the petition, the society that appointed the officer,  
21 the agencies and association described in paragraph (2) of  
22 subdivision (b); except the party filing the petition shall not be  
23 required to serve copies of those documents upon itself.

24 (B) Upon a finding of good cause, the court shall issue an order  
25 granting the petition to revoke the appointment. The county clerk  
26 shall immediately enter the revocation and the date of the court  
27 order opposite the name of the officer in the record of humane  
28 officers. The clerk of the superior court shall give notice of the  
29 order to the parties described in subparagraph (A) and to the county  
30 clerk-recorder.

31 (g) The society appointing the humane officer shall pay the  
32 training expenses of the humane officer attending the training  
33 required pursuant to this section.

34 (h) (1) (A) A level 1 humane officer is not a peace officer, but  
35 may exercise the powers of a peace officer at all places within the  
36 state in order to prevent the perpetration of any act of cruelty upon  
37 any animal and to that end may summon to his or her aid any  
38 bystander. A level 1 humane officer may use reasonable force  
39 necessary to prevent the perpetration of any act of cruelty upon  
40 any animal.

1 (B) A level 1 humane officer may make arrests for the violation  
2 of any penal law of this state relating to or affecting animals in the  
3 same manner as any peace officer and may serve search warrants.

4 (C) A level 1 humane officer is authorized to carry firearms  
5 while exercising the duties of a humane officer, upon satisfactory  
6 completion of the training specified in subparagraph (D), if the  
7 requirements in subparagraph (F) are met.

8 (D) A level 1 humane officer shall, prior to appointment,  
9 provide evidence satisfactory to the appointing society that he or  
10 she has successfully completed the following requirements:

11 (i) At least 20 hours of a course of training in animal care  
12 sponsored or provided by an accredited postsecondary institution  
13 or any other provider approved by the California Veterinary  
14 Medical Association the focus of which shall be the identification  
15 of disease, injury, and neglect in domestic animals and livestock.

16 (ii) At least 40 hours of a course of training in the state humane  
17 laws relating to the powers and duties of a humane officer,  
18 sponsored or provided by an accredited postsecondary institution,  
19 law enforcement agency, or the State Humane Association of  
20 California.

21 (iii) The basic training for a level 1 reserve officer by the  
22 Commission on Peace Officer Standards and Training pursuant to  
23 paragraph (1) of subdivision (a) of Section 832.6 of the Penal  
24 Code.

25 (E) A person shall not be appointed as a level 1 humane officer  
26 until he or she meets the criteria in Sections 1029, 1030, and 1031  
27 of the Government Code. A humane society or society for the  
28 prevention of cruelty to animals shall complete a background  
29 investigation, using standards defined by the Commission on Peace  
30 Officer Standards and Training as guidelines for all level 1 humane  
31 officer appointments.

32 (F) (i) Notwithstanding any other provision of this section, a  
33 level 1 humane officer may carry a firearm only if authorized by,  
34 and only under the terms and conditions specified by, his or her  
35 appointing society.

36 (ii) Notwithstanding any other provision of this section, a level  
37 1 humane officer shall not be authorized to carry a firearm unless  
38 and until his or her appointing society has adopted a policy on the  
39 use of deadly force by its officers and the officer has been  
40 instructed in that policy.

1 (2) (A) A level 2 humane officer is not a peace officer, but may  
2 exercise the powers of a peace officer at all places within the state  
3 in order to prevent the perpetration of any act of cruelty upon any  
4 animal and to that end may summon to his or her aid any bystander.  
5 A level 2 humane officer may use reasonable force necessary to  
6 prevent the perpetration of any act of cruelty upon any animal.

7 (B) A level 2 humane officer may make arrests for the violation  
8 of any penal law of this state relating to or affecting animals in the  
9 same manner as any peace officer and may serve search warrants  
10 during the course and within the scope of appointment, upon the  
11 successful completion of a course relating to the exercise of the  
12 police powers specified in Section 832 of the Penal Code, except  
13 the power to carry and use firearms.

14 (C) A level 2 humane officer is not authorized to carry firearms.

15 (D) A level 2 humane officer shall, prior to appointment, provide  
16 evidence satisfactory to the appointing society that he or she has  
17 successfully completed courses of training in the following  
18 subjects:

19 (i) At least 20 hours of a course of training in animal care  
20 sponsored or provided by an accredited postsecondary institution  
21 or any other provider approved by the California Veterinary  
22 Medical Association, the focus of which is the identification of  
23 disease, injury, and neglect in domestic animals and livestock.

24 (ii) At least 40 hours of a course of training in the state humane  
25 laws relating to the powers and duties of a humane officer,  
26 sponsored or provided by an accredited postsecondary institution,  
27 law enforcement agency, or the State Humane Association of  
28 California.

29 (E) A person shall not be appointed as a level 2 humane officer  
30 until he or she meets the criteria in Sections 1029, 1030, and 1031  
31 of the Government Code. A humane society or society for the  
32 prevention of cruelty to animals shall complete a background  
33 investigation, using standards defined by the Commission on Peace  
34 Officer Standards and Training as guidelines, for all level 2 humane  
35 officer appointments.

36 (3) During each three-year period following the date on which  
37 the certified copy of the court order confirming the appointment  
38 of a humane officer was filed with the county clerk, the humane  
39 officer shall complete 40 hours of continuing education and training  
40 relating to the powers and duties of a humane officer, which

1 education and training shall be sponsored or provided by an  
2 accredited postsecondary institution, law enforcement agency, or  
3 the State Humane Association of California. A certificate of  
4 compliance shall be served no later than 21 days after the expiration  
5 of each three-year period on the Department of Justice with copies  
6 served on the superior court, agencies, and associations described  
7 in subparagraphs (A) through (E) of paragraph (2) of subdivision  
8 (b). The Department of Justice may charge a reasonable fee  
9 sufficient to cover the costs of maintaining records of certificates  
10 of compliance. The certificate of compliance shall also include  
11 documentation that the humane society or society for the prevention  
12 of cruelty to animals is in compliance with subparagraph (F) of  
13 paragraph (3) of subdivision (b). Service on the Department of  
14 Justice shall be in compliance with procedures set forth by the  
15 Department of Justice. The Department of Justice shall post the  
16 filing procedures, as they may be updated from time to time, on  
17 its Internet Web site. Failure to file the certificate of compliance  
18 with the Department of Justice no later than 21 days after the  
19 expiration of a three-year period shall result in immediate  
20 revocation of the appointment.

21 (4) If the humane officer is authorized to carry a firearm, he or  
22 she shall complete ongoing weapons training and range  
23 qualifications at least every six months pursuant to subdivision (t)  
24 of Section 830.3 of the Penal Code. A certificate of compliance  
25 pursuant to this section shall be served no later than 21 days after  
26 the expiration of a six-month period on the Department of Justice  
27 with copies served on the superior court, and on the agencies and  
28 associations described in subparagraphs (A) through (E) of  
29 paragraph (2) of subdivision (b). The Department of Justice may  
30 charge a reasonable fee sufficient to cover the costs of maintaining  
31 records of certificates of compliance. The certificate of compliance  
32 shall also include documentation that the humane society or society  
33 for the prevention of cruelty to animals is in compliance with  
34 subparagraph (F) of paragraph (3) of subdivision (b). Service on  
35 the Department of Justice shall be in compliance with procedures  
36 set forth by the Department of Justice. The Department of Justice  
37 shall post the filing procedures, as they may be updated from time  
38 to time, on its Internet Web site. Failure to file the certificate of  
39 compliance with the Department of Justice no later than 21 days



1 after the expiration of a six-month period shall result in immediate  
2 revocation of the appointment.

3 (i) Every humane officer shall, when making an arrest, exhibit  
4 and expose a suitable badge to be adopted by the society under  
5 this part of which he or she is an appointee which shall bear its  
6 name and a number. Uniforms worn by humane officers shall  
7 prominently display the name of the appointing society. Humane  
8 officer uniforms shall not display the words “state” or “California,”  
9 except to the extent that one or both of those words are part of the  
10 appointing society’s incorporated name.

11 (j) Any person resisting a humane officer in the performance  
12 of his or her duty as provided in this section is guilty of a  
13 misdemeanor. Any person who has not been appointed and  
14 qualified as a humane officer as provided in this section, or whose  
15 appointment has been revoked as provided in this section, or whose  
16 appointment, having expired, has not been renewed as provided  
17 in this section, who shall represent himself or herself to be or shall  
18 attempt to act as an officer shall be guilty of a misdemeanor.

19 (k) No humane officer shall serve a search warrant without  
20 providing prior notice to local law enforcement agencies operating  
21 within that jurisdiction.

22 (l) Any humane society, society for the prevention of cruelty to  
23 animals, or person, who knowingly provides a court with false or  
24 forged documentation for the appointment of a humane officer, is  
25 guilty of a misdemeanor and shall be punished by a fine of up to  
26 ten thousand dollars (\$10,000).

27 (m) Except as otherwise provided by this section, a humane  
28 officer shall serve only in the county in which the court that  
29 appointed him or her sits. A humane officer may serve in another  
30 county if the humane officer gives notice requesting consent to  
31 the sheriff of the county in which he or she intends to serve, and  
32 acquires consent from that sheriff of the county in which he or she  
33 intends to serve, or from a person authorized by the sheriff to give  
34 that consent. A sheriff shall promptly respond to any request by a  
35 humane officer to serve in his or her jurisdiction and any request  
36 shall not be unreasonably denied.

37 SEC. 7. Section 915.2 of the Government Code is amended to  
38 read:

39 915.2. (a) If a claim, amendment to a claim, or application to  
40 a public entity for leave to present a late claim is presented or sent

1 by mail under this chapter, or if any notice under this chapter is  
2 given by mail, the claim, amendment, application, or notice shall  
3 be mailed in the manner prescribed in this section. The claim,  
4 amendment, application or notice shall be deposited in the United  
5 States post office, a mailbox, sub-post office, substation, mail  
6 chute, or other similar facility regularly maintained by the  
7 government of the United States, in a sealed envelope, properly  
8 addressed, with postage paid. The claim, amendment, application,  
9 or notice shall be deemed to have been presented and received at  
10 the time of the deposit.

11 (b) Any period of notice and any duty to respond after receipt  
12 of service of a claim, amendment, application, or notice is extended  
13 five days upon service by mail, if the place of address is within  
14 the State of California, 10 days if the place of address is within  
15 the United States, and 20 days if the place of address is outside  
16 the United States. ~~The provisions of this~~ This subdivision shall not  
17 apply to the written notice set forth in Section 945.6 or the filing  
18 of a complaint after denial of a claim.

19 (c) As applied to this section, proof of mailing may be made in  
20 the manner prescribed by Section 1013a of the Code of Civil  
21 Procedure.

22 SEC. 8. Section 7100 of the Health and Safety Code is amended  
23 to read:

24 7100. (a) The right to control the disposition of the remains  
25 of a deceased person, the location and conditions of interment, and  
26 arrangements for funeral goods and services to be provided, unless  
27 other directions have been given by the decedent pursuant to  
28 Section 7100.1, vests in, and the duty of disposition and the liability  
29 for the reasonable cost of disposition of the remains devolves upon,  
30 the following in the order named:

31 (1) An agent under a power of attorney for health care who has  
32 the right and duty of disposition under Division 4.7 (commencing  
33 with Section 4600) of the Probate Code, except that the agent is  
34 liable for the costs of disposition only in either of the following  
35 cases:

36 (A) Where the agent makes a specific agreement to pay the costs  
37 of disposition.

38 (B) Where, in the absence of a specific agreement, the agent  
39 makes decisions concerning disposition that incur costs, in which  
40 case the agent is liable only for the reasonable costs incurred as a

1 result of the agent's decisions, to the extent that the decedent's  
2 estate or other appropriate fund is insufficient.

3 (2) The competent surviving spouse.

4 (3) The sole surviving competent adult child of the decedent,  
5 or if there is more than one competent adult child of the decedent,  
6 the majority of the surviving competent adult children. However,  
7 less than the majority of the surviving competent adult children  
8 shall be vested with the rights and duties of this section if they  
9 have used reasonable efforts to notify all other surviving competent  
10 adult children of their instructions and are not aware of any  
11 opposition to those instructions by the majority of all surviving  
12 competent adult children.

13 (4) The surviving competent parent or parents of the decedent.  
14 If one of the surviving competent parents is absent, the remaining  
15 competent parent shall be vested with the rights and duties of this  
16 section after reasonable efforts have been unsuccessful in locating  
17 the absent surviving competent parent.

18 (5) The sole surviving competent adult sibling of the decedent,  
19 or if there is more than one surviving competent adult sibling of  
20 the decedent, the majority of the surviving competent adult siblings.  
21 However, less than the majority of the surviving competent adult  
22 siblings shall be vested with the rights and duties of this section  
23 if they have used reasonable efforts to notify all other surviving  
24 competent adult siblings of their instructions and are not aware of  
25 any opposition to those instructions by the majority of all surviving  
26 competent adult siblings.

27 (6) The surviving competent adult person or persons respectively  
28 in the next degrees of kinship, or if there is more than one surviving  
29 competent adult person of the same degree of kinship, the majority  
30 of those persons. Less than the majority of surviving competent  
31 adult persons of the same degree of kinship shall be vested with  
32 the rights and duties of this section if those persons have used  
33 reasonable efforts to notify all other surviving competent adult  
34 persons of the same degree of kinship of their instructions and are  
35 not aware of any opposition to those instructions by the majority  
36 of all surviving competent adult persons of the same degree of  
37 kinship.

38 (7) A conservator of the person appointed under Part 3  
39 (commencing with Section 1800) of Division 4 of the Probate  
40 Code when the decedent has sufficient assets.

1 (8) A conservator of the estate appointed under Part 3  
2 (commencing with Section 1800) of Division 4 of the Probate  
3 Code when the decedent has sufficient assets.

4 (9) The public administrator when the deceased has sufficient  
5 assets.

6 (b) (1) If any person to whom the right of control has vested  
7 pursuant to subdivision (a) has been charged with first or second  
8 degree murder or voluntary manslaughter in connection with the  
9 decedent's death and those charges are known to the funeral  
10 director or cemetery authority, the right of control is relinquished  
11 and passed on to the next of kin in accordance with subdivision  
12 (a).

13 (2) If the charges against the person are dropped, or if the person  
14 is acquitted of the charges, the right of control is returned to the  
15 person.

16 (3) Notwithstanding this subdivision, no person who has been  
17 charged with first or second degree murder or voluntary  
18 manslaughter in connection with the decedent's death to whom  
19 the right of control has not been returned pursuant to paragraph  
20 (2) shall have any right to control disposition pursuant to  
21 subdivision (a) which shall be applied, to the extent the funeral  
22 director or cemetery authority know about the charges, as if that  
23 person did not exist.

24 (c) A funeral director or cemetery authority shall have complete  
25 authority to control the disposition of the remains, and to proceed  
26 under this chapter to recover usual and customary charges for the  
27 disposition, when both of the following apply:

28 (1) Either of the following applies:

29 (A) The funeral director or cemetery authority has knowledge  
30 that none of the persons described in paragraphs (1) to (8),  
31 inclusive, of subdivision (a) exists.

32 (B) None of the persons described in paragraphs (1) to (8),  
33 inclusive, of subdivision (a) can be found after reasonable inquiry,  
34 or contacted by reasonable means.

35 (2) The public administrator fails to assume responsibility for  
36 disposition of the remains within seven days after having been  
37 given written notice of the facts. Written notice may be delivered  
38 by hand, United States mail, facsimile transmission, or telegraph.

39 (d) The liability for the reasonable cost of final disposition  
40 devolves jointly and severally upon all kin of the decedent in the

1 same degree of kinship and upon the estate of the decedent.  
2 However, if a person accepts the gift of an entire body under  
3 subdivision (a) of Section 7155.5, that person, subject to the terms  
4 of the gift, shall be liable for the reasonable cost of final disposition  
5 of the decedent.

6 (e) This section shall be administered and construed to the end  
7 that the expressed instructions of the decedent or the person entitled  
8 to control the disposition shall be faithfully and promptly  
9 performed.

10 (f) A funeral director or cemetery authority shall not be liable  
11 to any person or persons for carrying out the instructions of the  
12 decedent or the person entitled to control the disposition.

13 (g) For purposes of this section, “adult” means an individual  
14 who has attained 18 years of age, “child” means a natural or  
15 adopted child of the decedent, and “competent” means an  
16 individual who has not been declared incompetent by a court of  
17 law or who has been declared competent by a court of law  
18 following a declaration of incompetence.

19 SEC. 9. Section 259 of the Probate Code is amended to read:

20 259. (a) Any person shall be deemed to have predeceased a  
21 decedent to the extent provided in subdivision (c) where all of the  
22 following apply:

23 (1) It has been proven by clear and convincing evidence that  
24 the person is liable for physical abuse, neglect, or financial abuse  
25 of the decedent, who was an elder or dependent adult.

26 (2) The person is found to have acted in bad faith.

27 (3) The person has been found to have been reckless, oppressive,  
28 fraudulent, or malicious in the commission of any of these acts  
29 upon the decedent.

30 (4) The decedent, at the time those acts occurred and thereafter  
31 until the time of his or her death, has been found to have been  
32 substantially unable to manage his or her financial resources or to  
33 resist fraud or undue influence.

34 (b) Any person shall be deemed to have predeceased a decedent  
35 to the extent provided in subdivision (c) if that person has been  
36 convicted of a violation of Section 236 of the Penal Code or any  
37 offense described in Section 368 of the Penal Code.

38 (c) Any person found liable under subdivision (a) or convicted  
39 under subdivision (b) shall not (1) receive any property, damages,  
40 or costs that are awarded to the decedent’s estate in an action

1 described in subdivision (a) or (b), whether that person's  
2 entitlement is under a will, a trust, or the laws of intestacy; or (2)  
3 serve as a fiduciary as defined in Section 39, if the instrument  
4 nominating or appointing that person was executed during the  
5 period when the decedent was substantially unable to manage his  
6 or her financial resources or resist fraud or undue influence. This  
7 section shall not apply to a decedent who, at any time following  
8 the act or acts described in paragraph (1) of subdivision (a), or the  
9 act or acts described in subdivision (b), was substantially able to  
10 manage his or her financial resources and to resist fraud or undue  
11 influence within the meaning of subdivision (b) of Section 1801  
12 of the Probate Code and subdivision (b) of Section 39 of the Civil  
13 Code.

14 (d) For purposes of this section, the following definitions shall  
15 apply:

16 (1) ~~Physical abuse~~—“*Physical abuse*” as defined in Section  
17 15610.63 of the Welfare and Institutions Code.

18 (2) ~~Neglect~~—“*Neglect*” as defined in Section 15610.57 of the  
19 Welfare and Institutions Code.

20 (3) ~~False imprisonment~~—“*False imprisonment*” as defined in  
21 Section 368 of the Penal Code.

22 (4) ~~Financial abuse~~—“*Financial abuse*” as defined in Section  
23 15610.30 of the Welfare and Institutions Code.

24 (e) Nothing in this section shall be construed to prohibit the  
25 severance and transfer of an action or proceeding to a separate  
26 civil action pursuant to Section 801.

27 SEC. 10. Section 2583 of the Probate Code is amended to read:

28 2583. In determining whether to authorize or require a proposed  
29 action under this article, the court shall take into consideration all  
30 the relevant circumstances, which may include, but are not limited  
31 to, the following:

32 (a) Whether the conservatee has legal capacity for the proposed  
33 transaction and, if not, the probability of the conservatee's recovery  
34 of legal capacity.

35 (b) The past donative declarations, practices, and conduct of  
36 the conservatee.

37 (c) The traits of the conservatee.

38 (d) The relationship and intimacy of the prospective donees  
39 with the conservatee, their standards of living, and the extent to  
40 which they would be natural objects of the conservatee's bounty

1 by any objective test based on such relationship, intimacy, and  
2 standards of living.

3 (e) The wishes of the conservatee.

4 (f) Any known estate plan of the conservatee (including, but  
5 not limited to, the conservatee's will, any trust of which the  
6 conservatee is the settlor or beneficiary, any power of appointment  
7 created by or exercisable by the conservatee, and any contract,  
8 transfer, or joint ownership arrangement with provisions for  
9 payment or transfer of benefits or interests at the conservatee's  
10 death to another or others which the conservatee may have  
11 originated).

12 (g) The manner in which the estate would devolve upon the  
13 conservatee's death, giving consideration to the age and the mental  
14 and physical condition of the conservatee, the prospective devisees  
15 or heirs of the conservatee, and the prospective donees.

16 (h) The value, liquidity, and productiveness of the estate.

17 (i) The minimization of current or prospective income, estate,  
18 inheritance, or other taxes or expenses of administration.

19 (j) Changes of tax laws and other laws which would likely have  
20 motivated the conservatee to alter the conservatee's estate plan.

21 (k) The likelihood from all the circumstances that the  
22 conservatee as a reasonably prudent person would take the  
23 proposed action if the conservatee had the capacity to do so.

24 (l) Whether any beneficiary is the spouse or domestic partner  
25 of the conservatee.

26 (m) Whether a beneficiary has committed physical abuse,  
27 neglect, false imprisonment, or financial abuse against the  
28 conservatee after the conservatee was substantially unable to  
29 manage his or her financial resources, or resist fraud or undue  
30 influence, and the conservatee's disability persisted throughout  
31 the time of the hearing on the proposed substituted judgment.

32 SEC. 11. Section 8250 of the Probate Code is amended to read:

33 8250. (a) When a will is contested under Section 8004, the  
34 contestant shall file with the court an objection to probate of the  
35 will. Thereafter, a summons shall be issued and served, with a  
36 copy of the objection, on the persons required by Section 8110 to  
37 be served with notice of hearing of a petition for administration  
38 of the decedent's estate. The summons shall be issued and served  
39 as provided in Chapter 3 (commencing with Section 412.10) and  
40 Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2

1 of the Code of Civil Procedure. The summons shall contain a  
2 direction that the persons summoned file with the court a written  
3 pleading in response to the contest within 30 days after service of  
4 the summons.

5 (b) A person named as executor in the will is under no duty to  
6 defend a contest until the person is appointed personal  
7 representative.

8 SEC. 12. Section 19280 of the Revenue and Taxation Code is  
9 amended to read:

10 19280. (a) (1) Fines, state or local penalties, bail, forfeitures,  
11 restitution fines, restitution orders, or any other amounts imposed  
12 by a superior court of the State of California upon a person or any  
13 other entity that are due and payable in an amount totaling no less  
14 than one hundred dollars (\$100), in the aggregate, for criminal  
15 offenses, including all offenses involving a violation of the Vehicle  
16 Code, and any amounts *due* pursuant to Section 903.1 of the  
17 Welfare and Institutions Code may, no sooner than 90 days after  
18 payment of that amount becomes delinquent, be referred by the  
19 superior court, the county, or the state to the Franchise Tax Board  
20 for collection under guidelines prescribed by the Franchise Tax  
21 Board. Unless the victim of the crime notifies the Department of  
22 Corrections and Rehabilitation to the contrary, the Department of  
23 Corrections and Rehabilitation may refer a restitution order to the  
24 Franchise Tax Board, in accordance with subparagraph (B) of  
25 paragraph (2), for any person subject to the restitution order who  
26 is or has been under the jurisdiction of the Department of  
27 Corrections and Rehabilitation.

28 (2) For purposes of this subdivision:

29 (A) The amounts referred by the superior court, the county, or  
30 state under this section may include an administrative fee and any  
31 amounts that a government entity may add to the court-imposed  
32 obligation as a result of the underlying offense, trial, or conviction.  
33 For purposes of this article, those amounts shall be deemed to be  
34 imposed by the court.

35 (B) Restitution orders may be referred to the Franchise Tax  
36 Board only by a government entity, as agreed upon by the  
37 Franchise Tax Board, provided that all of the following apply:

38 (i) The government entity has the authority to collect on behalf  
39 of the state or the victim.



1 (ii) The government entity shall be responsible for distributing  
2 the restitution order collections, as appropriate.

3 (iii) The government entity shall ensure, in making the referrals  
4 and distributions, that it coordinates with any other related  
5 collection activities that may occur by superior courts, counties,  
6 or other state agencies.

7 (iv) The government entity shall ensure compliance with laws  
8 relating to the reimbursement of the State Restitution Fund.

9 (C) The Franchise Tax Board shall establish criteria for referral,  
10 which shall include setting forth a minimum dollar amount subject  
11 to referral and collection.

12 (b) The Franchise Tax Board, in conjunction with the Judicial  
13 Council, shall seek whatever additional resources are needed to  
14 accept referrals from all 58 counties or superior courts.

15 (c) Upon written notice to the debtor from the Franchise Tax  
16 Board, any amount referred to the Franchise Tax Board under  
17 subdivision (a) and any interest thereon, including any interest on  
18 the amount referred under subdivision (a) that accrued prior to the  
19 date of referral, shall be treated as final and due and payable to the  
20 State of California, and shall be collected from the debtor by the  
21 Franchise Tax Board in any manner authorized under the law for  
22 collection of a delinquent personal income tax liability, including,  
23 but not limited to, issuance of an order and levy under Article 4  
24 (commencing with Section 706.070) of Chapter 5 of Division 2  
25 of Title 9 of Part 2 of the Code of Civil Procedure in the manner  
26 provided for earnings withholding orders for taxes.

27 (d) (1) Part 10 (commencing with Section 17001), this part,  
28 Part 10.7 (commencing with Section 21001), and Part 11  
29 (commencing with Section 23001) shall apply to amounts referred  
30 under this article in the same manner and with the same force and  
31 effect and to the full extent as if the language of those laws had  
32 been incorporated in full into this article, except to the extent that  
33 any provision is either inconsistent with this article or is not  
34 relevant to this article.

35 (2) Any information, information sources, or enforcement  
36 remedies and capabilities available to the court or the state referring  
37 to the amount due described in subdivision (a), shall be available  
38 to the Franchise Tax Board to be used in conjunction with, or  
39 independent of, the information, information sources, or remedies  
40 and capabilities available to the Franchise Tax Board for purposes

1 of administering Part 10 (commencing with Section 17001), this  
2 part, Part 10.7 (commencing with Section 21001), or Part 11  
3 (commencing with Section 23001).

4 (e) The activities required to implement and administer this part  
5 shall not interfere with the primary mission of the Franchise Tax  
6 Board to administer Part 10 (commencing with Section 17001)  
7 and Part 11 (commencing with Section 23001).

8 (f) For amounts referred for collection under subdivision (a),  
9 interest shall accrue at the greater of the rate applicable to the  
10 amount due being collected or the rate provided under Section  
11 19521. When notice of the amount due includes interest and is  
12 mailed to the debtor and the amount is paid within 15 days after  
13 the date of notice, interest shall not be imposed for the period after  
14 the date of notice.

15 (g) In no event shall a collection under this article be construed  
16 as a payment of income taxes imposed under Part 10 (commencing  
17 with Section 17001) or Part 11 (commencing with Section 23001).

18 SEC. 13. Section 903.47 of the Welfare and Institutions Code  
19 is amended to read:

20 903.47. (a) The Judicial Council shall establish a program to  
21 collect reimbursements from the person liable for the costs of  
22 counsel appointed to represent parents or minors pursuant to  
23 Section 903.1 in dependency proceedings.

24 (1) As part of the program, the Judicial Council shall:

25 (A) Adopt a statewide standard for determining the ability to  
26 pay reimbursements for counsel, which shall at a minimum include  
27 the family's income, their necessary obligations, the number of  
28 individuals dependent on this income, and the cost-effectiveness  
29 of the program.

30 (B) Adopt policies and procedures allowing a court to recover  
31 from the money collected the costs associated with implementing  
32 the reimbursements—~~programs~~ *program*. The policies and  
33 procedures shall at a minimum limit the amount of money a court  
34 may recover to a reasonable proportion of the reimbursements  
35 collected and provide the terms and conditions under which a court  
36 may use a third party to collect reimbursements. *For the purposes*  
37 *of this section, "implementing" would mean the court of assessing*  
38 *a parent's ability to pay for court-appointed counsel.*

39 (2) The money collected shall be deposited as required by  
40 Section 68085.1 of the Government Code. Except as otherwise

1 authorized by law, the money collected under this program shall  
2 be utilized to reduce caseloads, for attorneys appointed by the  
3 court, to the caseload standard approved by the Judicial Council.  
4 Priority shall be given to those courts with the highest attorney  
5 caseloads that also demonstrate the ability to immediately improve  
6 outcomes for parents and children as a result of lower attorney  
7 caseloads.

8 (b) The court may do either of the following:

9 (1) Designate a court financial evaluation officer to make  
10 financial evaluations of liability for reimbursement pursuant to  
11 Section 903.1.

12 (2) With the consent of the county and pursuant to the terms  
13 and conditions agreed upon by the court and county, designate a  
14 county financial evaluation officer to make financial evaluations  
15 of liability for reimbursement pursuant to Section 903.1.

16 (c) In handling reimbursement of payments pursuant to Section  
17 903.1, the court financial evaluation officer and the county financial  
18 evaluation officer shall follow the procedures set forth for county  
19 financial evaluation officers in subdivisions (b), (c), and (d) of  
20 Section 903.45.